



Sen. James F. Clayborne Jr.

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09300HB0874sam001

LRB093 05679 AMC 50305 a

1 AMENDMENT TO HOUSE BILL 874

2 AMENDMENT NO. _____. Amend House Bill 874 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by changing
5 Section 3-105 as follows:

6 (220 ILCS 5/3-105) (from Ch. 111 2/3, par. 3-105)

7 Sec. 3-105. Public utility. "Public utility" means and
8 includes, except where otherwise expressly provided in this
9 Section, every corporation, company, limited liability
10 company, association, joint stock company or association,
11 firm, partnership or individual, their lessees, trustees, or
12 receivers appointed by any court whatsoever that owns,
13 controls, operates or manages, within this State, directly or
14 indirectly, for public use, any plant, equipment or property
15 used or to be used for or in connection with, or owns or
16 controls any franchise, license, permit or right to engage in:

17 a. the production, storage, transmission, sale,
18 delivery or furnishing of heat, cold, power, electricity,
19 water, or light, except when used solely for communications
20 purposes;

21 b. the disposal of sewerage; or

22 c. the conveyance of oil or gas by pipe line.

23 "Public utility" does not include, however:

24 1. public utilities that are owned and operated by any

1 political subdivision, public institution of higher
2 education or municipal corporation of this State, or public
3 utilities that are owned by such political subdivision,
4 public institution of higher education, or municipal
5 corporation and operated by any of its lessees or operating
6 agents;

7 2. water companies which are purely mutual concerns,
8 having no rates or charges for services, but paying the
9 operating expenses by assessment upon the members of such a
10 company and no other person;

11 3. electric cooperatives as defined in Section 3-119;

12 4. residential natural gas cooperatives that are
13 not-for-profit corporations established for the purpose of
14 administering and operating, on a cooperative basis, the
15 furnishing of natural gas to residences for the benefit of
16 their members who are residential consumers of natural gas.
17 For entities qualifying as residential natural gas
18 cooperatives and recognized by the Illinois Commerce
19 Commission as such, the State shall guarantee legally
20 binding contracts entered into by residential natural gas
21 cooperatives for the express purpose of acquiring natural
22 gas supplies for their members. The Illinois Commerce
23 Commission shall establish rules and regulations providing
24 for such guarantees. The total liability of the State in
25 providing all such guarantees shall not at any time exceed
26 \$1,000,000, nor shall the State provide such a guarantee to
27 a residential natural gas cooperative for more than 3
28 consecutive years;

29 5. sewage disposal companies which provide sewage
30 disposal services on a mutual basis without establishing
31 rates or charges for services, but paying the operating
32 expenses by assessment upon the members of the company and
33 no others;

34 6. (Blank);

1 7. cogeneration facilities, small power production
2 facilities, and other qualifying facilities, as defined in
3 the Public Utility Regulatory Policies Act and regulations
4 promulgated thereunder, except to the extent State
5 regulatory jurisdiction and action is required or
6 authorized by federal law, regulations, regulatory
7 decisions or the decisions of federal or State courts of
8 competent jurisdiction;

9 8. the ownership or operation of a facility that sells
10 compressed natural gas at retail to the public for use only
11 as a motor vehicle fuel and the selling of compressed
12 natural gas at retail to the public for use only as a motor
13 vehicle fuel; ~~and~~

14 9. alternative retail electric suppliers as defined in
15 Article XVI; ~~and-~~

16 10. the ownership or operation of a facility that
17 distributes primarily propane by pipeline and sells it at
18 retail, except in cases where there is no alternative
19 source of propane reasonably available to the customers
20 being served.

21 (Source: P.A. 89-42, eff. 1-1-96; 90-561, eff. 12-16-97.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law."